

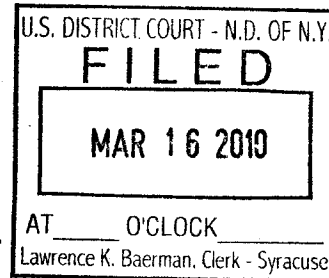
JERRICK Allison  
Plaintiff(s)

vs.

DR. WEISSMAN  
DR. Goulding Defendant(s)  
DR. LESTER WRIGHT

INMATE  
CIVIL  
RIGHTS  
COMPLAINT  
PURSUANT TO  
42 U.S.C. § 1983

Civil Case No.: 9: 10-CV-304



Plaintiff(s) in the above-captioned action, allege(s) as follows:

### JURISDICTION

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

### PARTIES

2. Plaintiff: JERRICK Allison  
Address: Orleans Correctional Facility  
3531 Gaines BASIN Road  
ALBION, NEW YORK  
14411-9199

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: DR. WEISSMAN  
Official Position: FACILITY HEALTH CARE Director  
Address: UPSTATE Correctional Facility  
309 BEAR Hill Road  
MALONE, NEW YORK 12953

b. Defendant:

DR. Goulding

Official Position:

FACILITY Doctor

Address:

Mid-Orange Correctional Facility  
900 Kings Highway  
WARWICK, New York  
10990-0900

c. Defendant:

DR. LESTER Wright

Official Position:

Deputy Commissioner / Chief Medical  
Officer

Address:

DEPARTMENT OF CORRECTIONAL SERVICES  
THE HARRIMAN STATE CAMPUS  
1220 WASHINGTON AVE ALBANY, N.Y. 12226 -  
2050

Additional Defendants may be added on a separate sheet of paper.

4.

**PLACE OF PRESENT CONFINEMENT**

a. Is there a prisoner grievance procedure at this facility?

☒ Yes☐ No

b. If your answer to 4(a) is YES, did you present the facts relating to your complaint in this grievance program?

☒ Yes☐ No

If your answer to 4(b) is YES:

(i) What steps did you take?

wrote Nurse's Administrator  
wrote Facility HEALTH CARE Director

(ii) What was the final result of your grievance?

DENIED

If your answer to 4(b) is NO:

Why did you choose to not present the facts relating to your complaint in the prison's grievance program?

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- c. If there is no grievance procedure in your institution, did you complain to prison authorities about the facts alleged in your complaint?

( ) Yes ( ) No

If your answer to 4(c) is YES:

- (i) What steps did you take?

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- (ii) What was the final result regarding your complaint?

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If your answer to 4(c) is NO:

Why did you choose to not complain about the facts relating to your complaint in such prison?

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5.

### PREVIOUS LAWSUITS

- a. Have you ever filed any other lawsuits in any state and federal court relating to your imprisonment?

( ) Yes (X) No

- b. If your answer to 5(a) is YES you must describe any and all lawsuits, currently pending or closed, in the space provided on the next page.

For **EACH** such lawsuit, provide the following information:

i. Parties to previous lawsuit:

Plaintiffs:

Defendants:

ii. Court (if federal court, name District; if state court, name County:

iii. Docket number: \_\_\_\_\_

iv. Name of Judge to whom case was assigned:

v. Disposition (dismissed? on appeal? still pending?)

vi. Approximate date of filing prior lawsuit:

vii. Approximate date of disposition:

6.

## FACTS

Set forth the facts of your case which substantiate your claim of violation of your civil and/or Constitutional rights. List the events in the order they happened, naming defendants involved, dates and places.

**Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary.)**

I arrived at O.C.F. 12.14.09. Saw medical STAFF Complaining  
OF Pain in hip and KNEE. DR. Douglas Sent ME For MRI ON OR About  
2.13.10 MRI Showed Serious damage to hip socket, KNEE and Titanium  
rod broken. He Sent me to Orthopedic Doctor at Wende Corr. Fac.  
2.25.10 DR. told me I had SEVERELY damaged my hip and Needed  
hip replacement Surgery, and the titanium rod in my left leg was  
broken in several places, and had slipped down into my knee  
causing the knee pain. I was confined at Lakeview SHU from 10.8.09  
until 12.14.09 while at Lakeview I constantly complained of Pain  
in my hip and knee. I wrote Facility Dr. requesting Orthopedic  
visit and evaluation, my request when Unanswered. So, I remained  
in Pain and dealt with it. I was Confined at Fishkill SHU from

Left hip and knee. Saw Dr. Sullivan 10.1.09 She ordered Physical Therapy but I was transferred to Lakeview SHU 10.8.09 Physical Therapy was never started. I arrived at Mid-Orange Corr. Fac. 1.20.09 while there from 1.20.09 until 9.14.09 I've constantly complained of pain in my left hip and knee. I requested on numerous occasions to see an

7.

### CAUSES OF ACTION

Note: You must clearly state each cause of action you assert in this lawsuit.

#### FIRST CAUSE OF ACTION

I requested to see Orthopedic numerous times at Upstate Corr. Fac. Facility Health Care Provider didn't never initiated the proper actions to make that possible. I constantly complained of pain and the need for medication and Orthopedic Treatment.

#### SECOND CAUSE OF ACTION

I requested to see Orthopedic Doctor <sup>while</sup> at Mid-Orange Corr. Fac. Dr. Goulding constantly denied this opportunity and he changed the medication prescribed at Upstate Correctional Facility which worked just fine. I grieved both issues.

#### THIRD CAUSE OF ACTION

I consistently wrote to Dr. Wright in Albany, asking for his assistance, getting to the Orthopedic Doctor. It appears he didn't intervene to assist me in getting the Orthopedic appointment at any stage of my complaints.

an Orthopedic Surgeon, the Facility Health Care Provider Dr. Goulding, constantly told me no, I couldn't see One. They took Numerous X-Rays at mid-orange. I

went to Green Haven Corr. Fac. to see Podiatrist 7.22.09 he told me again No Orthopedic Visit was Necessary. He recommended that I be Prescribed Pain medication which I Never received. Dr. visit at Facility 5.13.09 Dr. Zamelus Issued Pain medication Dr. APptmt. 5.1.09 again Complained of Constant Pain and need to see

Orthopedic, request denied. Grievred medical many times On this Same Issue. Dr. APPOINTMENT Follow up to X-Rays 4.13.09 Dr. told me Arthritis was Causing Me the Pain, I didn't agree with assessment One bit. Filed grievance to get Medical Sneakers from home 4.7.09. Filed grievance On Medication denied, Filed ON 3.18.09 Saw Orthotics ON 3.17.09 Filled for elevated boots, and my own Personal Sneaker. Dr. APPOINTMENT Also ON 3.18.09 requested

Once again to see Orthopedic, request denied again. wrote Dr. Wright 3.7.09 Complaining of my Not being able to see Orthopedic Doctor. X-Ray Information returned 3.5.09 Dr. APPOINTMENT 2.27.09 again Complaining of Pain In hip and knee. wrote Dr. Wright 2.4.09 Arrived at mid-orange Corr. Facility 1.20.09 From Ulster Corr where we were In transit From upstate Corr. Fac. 1.16.09

Arrived at upstate Corr. Fac. 8.15.07 remained there until 1.16.09 while there I constantly Complained of Severe Pain In my left hip and knee. Filed numerous grievances there regarding need to see Orthopedic Doctor, and be issued Pain medication. My requests to see Orthopedic were Met with denials, for whatever reasons. Wrote Dr. Wright regarding

medical Condition and my Urgent need to see an Orthopedic Doctor, his reply was to Speak with health Care Provider, who in turn Suggested me to Sick Call. I, took Numerous X-Rays at Upstate dates I can't remember. I, wrote Dr. Weissman and Nurses' Administrator requesting to See Orthopedic Doctor, but again my request went Unanswered. I, arrived at Upstate Corr. Fac. 8-15-09 from Downstate Corr Fac. where I Came to reception 7.30.09 and Stayed there until 8.15.09. The Dr. at Downstate gave me my elevated Shoes back, that Loc had taken away. He issued me Pain medication that helped relieve the Pain. I, asked him if I Could see an Orthopedic Doctor? He said I Could, but, I was transferred to Upstate Correctional Facility before the appointment was made. I, believe if I had been able to See an Orthopedic Doctor from the Outset, the damage, Pain and Suffering would have been Minimized Considerably. I, believe hip replacement wouldn't be Necessary and I wouldn't have been in Constant Pain for as long as I've been. A NON UNION OF THE Femur bone should have been a situation, that demanded Medical attention, long before Now.

8. Plaintiff(s) demand(s) a trial by

Jury -or- Court  
(Circle only one).

9. PRAYER FOR RELIEF

WHEREFORE, plaintiff(s) request(s) that this Court grant the following relief:

that I be compensated for the pain  
and suffering I was subjected to, as a  
result of not getting to the Orthopedic  
Doctor before the damage to my hip was  
done. Perform appropriate surgery, fuse femur so non-  
union no longer exists remove broken hardware, lengthen leg  
some so I'll be able to walk without side of cane or crutches.  
I declare under penalty of perjury that the foregoing is true and correct.

DATED: 3.7.10

Mr. Derrick Allison  
Signature of Plaintiff(s)  
(all Plaintiffs must sign)